

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Alex Peterson,

Civ. No. 12-458 (PAM/JJK)

Plaintiff,

v.

**ORDER**

J.N. O'Shea & Associates,  
and William Larken,

Defendants.

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This matter is before the Court on Plaintiff's Motion to Alter or Amend the Judgment under Rule 59(e). Plaintiff's counsel takes issue with the amount of attorney's fees the Court awarded in its Order granting Default Judgment (Docket No. 21). Counsel rather vehemently argues that the Court mis-read his time records, a rather ironic argument given that the Court requested additional documentation regarding attorney's fees and counsel responded that the documentation submitted with the Motion for Default was sufficient. (Oct. 17, 2012, letter from Thomas J. Lyons to Court (Docket No. 20).)

Even if the Court mistakenly concluded that Andrea Weber and not attorney Lyons performed the majority of the substantive work on this case, the fact remains that

[t]his lawsuit's allegations are thin, the Complaint is boilerplate, and there was no discovery or any motion practice save the default judgment. And even that motion was forthcoming only after Magistrate Judge Keyes insisted that Plaintiff file applications for default. Plaintiff is clearly not entitled to the full amount of attorney's fees he seeks . . . .

(Oct. 19, 2012, Order (Docket No. 21) at 3.) The amount of fees awarded is reasonable given the complexity of the case and the amount of time counsel should have expended on it.

Plaintiff has not established that the Court committed any “manifest error[] of law or fact” that would warrant relief under Rule 59(e). United States ex rel. Raynor v. Nat’l Rural Utils. Co-Op. Fin., Corp., 690 F.3d 951, 958 (8th Cir. 2012) (quotation omitted).

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Alter or Amend the Judgment (Docket No. 23) is **DENIED**.

Dated: November 13, 2012

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge